

**USDA-FGIS Technical Center
10383 N. Ambassador Drive
Kansas City, MO**



Background Information:

Facility began operations in August 1987 to establish standard testing methodologies to measure grain quality. Services include chemical analysis, Board of Appeals and Review, support group for electronic instruments and research and development.

Facility first notified the Missouri Department of Natural Resources of its hazardous waste activity in January 1991, as a small quantity generator of hazardous waste. Subsequent notifications indicate that the amount of waste generated at the facility fluctuated throughout the years.

EPA inspected this facility in November 2005, as a large quantity generator of hazardous waste. This was the first RCRA inspection conducted at this facility. At the time of the inspection, the facility was generating waste flammable liquids (characteristic and listed hazardous waste), waste ethanol (characteristic hazardous waste), waste pesticides and mycotoxins residues (acute, listed and characteristic hazardous waste), lab pack waste (various hazardous wastes), and universal waste batteries and mercury-containing devices.

The violations cited at the time of the inspection include:

- Failure to label and date containers of hazardous waste and keep these containers closed.
- Failure to inspect hazardous waste containers weekly.
- Storage of hazardous waste without a permit or interim status.
- Failure to maintain a written personnel training plan for hazardous waste management.
- Inadequate contingency plan and failure to make appropriate arrangements with police, fire and hospitals.
- Failure to maintain access to internal alarm or emergency communication device.
- Storage of ignitable hazardous waste less than 50 feet from property line.

The inspector issued a Notice of Violation (NOV) at the end of the inspection. The facility responded to the NOV within ten days of the inspection. EPA followed up with two additional letters to gather additional information regarding the facility's compliance with the hazardous waste regulations.

Per EPA's Hazardous Waste Civil Enforcement Response Policy, the facility was determined to be a Significant Non-Complier, and a formal enforcement action with the assessment of civil penalties was deemed appropriate.

Current Enforcement Activity:

On September 29, 2006, after Headquarters review, EPA issued a §3008(a) Complaint, Compliance Order and Notice of Opportunity for Hearing to USDA-FGIS for the aforementioned violations. The Compliance Order requires the facility to improve its hazardous waste inspection procedures, revise the facility's contingency plan and make appropriate arrangements with emergency response authorities, comply with the personnel training requirements for hazardous waste management, provide copies of all hazardous waste manifests for the previous year, and provide to EPA a detailed description of how all acute hazardous wastes are managed at the facility. The Complaint also assessed a civil penalty of \$320,580.

The RCRA program hopes to successfully negotiate a settlement agreement with USDA-FGIS for the violations noted in the November 2005 inspection.

Copies of the inspection report, correspondence, penalty calculations and Complaint are available upon request from Larry Mullins (x7161) or Beth Koesterer (x7673).

BY LARRY
MULLIN

USDA-GRAIN INSPECTION, PACKERS AND STOCKYARDS
ADMINISTRATION, FEDERAL GRAIN INSPECTION SERVICE
TECHNICAL CENTER, KANSAS CITY, MO.
INSPECTION INFORMATION

Inspection was conducted on November 8-9, 2005 by Dedriel Newsome R7
There are no other contacts showing on RCRA Info (no previous inspections
or compliance assistance visits)

3/29/06 After review of the inspection it was determined they are a
"Significant Non-Complier" or SNC. This is entered into RCRA Info
Database.

USDA first notified as a hazardous waste generator 01/02/91.
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_{to MD NR}

Nov. 18, 2005 USDA submitted their first response to the Notice of
Violation issued at the Inspection.

3/29/06 EPA issued a Letter of Warning/Request for Information regarding
the remaining issues on.

4/28/06 USDA submitted their reply to the LOW.

6/30/06 a meeting was conducted between the EPA Attorney and Inspector
and Compliance Officer.

8/14/06 A Penalty Panel was conducted where the proposed penalty and the
counts proposed are discussed and a consensus is reached.

8/15/06 a second LOW is sent to try to clarify some details of the violations
and to attempt to get the generator into compliance.

9/27/06 USDA submitted a response to the last LOW.

9/29/06 Complaint filed by the EPA on USDA.

Attached is a copy of the Inspection Report, a copy of the Penalty
Calculation, and a copy of the Complaint.

SUMMARY OF VIOLATIONS

Illegal storage of hazardous waste in excess of 90 days (without a permit)

This is for the storage and accumulation of acute hazardous waste far in excess of the 2.2 pound or 2.0 kilogram limit for 90 days. (Better explanation can be found in penalty calculation page 10 for time on site and amount of accumulation) Acute hazardous waste in this case is P listed waste which tends to be very toxic which leads to the 2.0 kilogram limit.

Violation of Generator Requirements which leads to the necessity of obtaining a permit for accumulating hazardous waste on-site for over 90 days.

- Several labeling and dating violations on containers.

- Failure to perform weekly inspection of containers.

- Failure to have an emergency contact device in the storage area.

- Failure to make arrangements to familiarize local Police, Fire and Hospitals with hazardous waste handled, layout of facility, etc.

- Violations of Personnel Training issues.

- Violations of Contingency Plan issues.

Violation of Generator Requirements pertaining to Satellite Accumulation Containers.

There were several serious satellite accumulation issues with containers such as closing, labeling, having too many containers, and leaving them open unattended. The violation of these issues requires USDA to have a permit which they did not have.